

REMARKS/ARGUMENTS

Reconsideration of this application, in view of the following remarks and arguments, is respectfully requested.

Claims 1-7 were originally presented for consideration in this application and currently stand rejected under the doctrine of nonstatutory "obviousness type" double patenting as being unpatentable over Claims 1-22 of U.S. Patent 6,708,431. This rejection is respectfully traversed for the following reasons.

As indicated on page 1 of the specification thereof, this application was filed as a **division** of copending U.S. application serial no. 10/005,935 (now U.S. Patent 6,708,431). This divisional application was filed in response to a restriction requirement in the parent application serial no. 10,005,935.

Because of this, the Examiner is **precluded** from making this double patenting rejection of Claims 1-7 in the present application. In this regard, 35 USC §121 provides in pertinent part that:

A patent issuing on an application with respect to which a requirement for restriction under this section has been made, or on an application filed as a result of such a requirement, shall not be used as a reference either in the Patent and Trademark Office or in the courts against a **divisional application** or against the original application or any patent issued on either of them, if the divisional application is filed before the issuance of the patent on the other application.

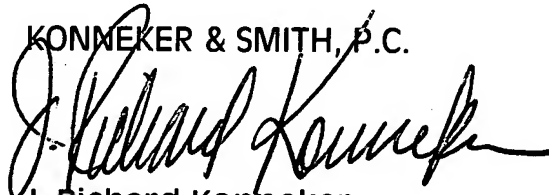
The instant divisional application was filed on November 25, 2003 - before the March 23, 2004 issue date of U.S. Patent 6,708,431. Accordingly, pursuant to the provisions of 35 USC §121, the Examiner's double patenting rejection of applicants' Claims 1-7 in this application is clearly impermissible and should be withdrawn. As indicated by the Examiner, Claims 1-7 are allowed upon obviation of his double patenting rejection. 35 USC §121 clearly obviates this double patenting rejection.

In view of the foregoing remarks and arguments, all of the claims currently pending in this application are now seen to be in a condition for allowance. A Notice of Allowance of Claims 1-7 is therefore earnestly solicited.

The Examiner is hereby requested to telephone the undersigned attorney of record at 972/516-0030 if such would further or expedite the prosecution of the instant application.

Respectfully submitted,

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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450,

on

January 23, 2006
Diane Sutton